

PROPOSAL FOR AGENCY LEGISLATION

(for the 2011 Legislative Session)

RETURN TO: Rachel Weiss, Research Analyst
Legislative Services Division
Room 110, State Capitol
PO Box 201706
Helena, Montana 59620-1706

Fax: 406-444-3036 Phone: 406-444-5367
E-mail: rweiss@mt.gov

PROPOSER'S NAME/TITLE: Montana Secretary of State Linda McCulloch

ORGANIZATION: Office of the Montana Secretary of State

ADDRESS: State Capitol

PHONE: 444-2034

FAX: 444-3976

E-MAIL: Director of Special Projects, Hilary Oitzinger, hoitzinger@mt.gov

1. **What is the problem or issue?**
Statutes pertaining to business entities need clarification and clean-up.
2. **What do you want the legislation to do?**
Clean-up, improve consistency, and clarify statutes pertaining to business entities including initial filings and renewals.
3. **If possible, please list the Montana Code Annotated (MCA) sections that would need to be amended.**
Amend §§ 35-10-1029, 35-8-208, 35-12-610, 30-13-313, 30-13-207, 30-13-213, 35-8-912, 35-8-210, 35-10-701, MCA, and other various business services related statutes.
4. **If the proposed change requires additional funding, what funding sources do you propose?**
N/A
5. **Has similar legislation been requested in the past, been considered in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**
Similar clean-up legislation has been requested and passed in most previous legislative sessions.
6. **If you are a holdover senator or a legislative candidate running unopposed, do you want the Legislative Services Division staff to consider this a bill draft request?**
N/A

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1. **What is the problem or issue?**
Statute does not provide for digital retention of records.
2. **What do you want the legislation to do?**
Provide for a central imaging unit for scanning and indexing records.
3. **If possible, please list the Montana Code Annotated (MCA) sections that would need to be amended.**
Amend § 2-6-203, MCA.
4. **If the proposed change requires additional funding, what funding sources do you propose?**
N/A
5. **Has similar legislation been requested in the past, been considered in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**
There has been no similar legislation requested in the past. Other states have digital imaging for records management.
6. **If you are a holdover senator or a legislative candidate running unopposed, do you want the Legislative Services Division staff to consider this a bill draft request?**
N/A

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1. What is the problem or issue?

SOS has rulemaking authority for all functions of the Office, except Notary. All agencies of State government have rulemaking authority for the functions of the agency. Notary statutes also need general clean-up.

2. What do you want the legislation to do?

Give SOS the authority to make notary rules, generally clean-up and clarify notary statutes, and allow electronic filing of certain documents.

3. If possible, please list the Montana Code Annotated (MCA) sections that would need to be amended.

Amend §§ 1-5-408, 1-5-407, 1-5-409, 1-5-405, 1-5-416, 1-5-603, and 1-6-101, MCA.

4. If the proposed change requires additional funding, what funding sources do you propose?

N/A

5. Has similar legislation been requested in the past, been considered in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

Other Secretary of State Offices that have authority over their state notary functions have rulemaking authority for their Notary departments.

6. If you are a holdover senator or a legislative candidate running unopposed, do you want the Legislative Services Division staff to consider this a bill draft request?

N/A

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1. **What is the problem or issue?**
Election laws need general clean-up and synchronization with some federal statutes.
2. **What do you want the legislation to do?**
Generally clean-up elections statutes and synchronize State statutes with the recently passed federal Military and Overseas Voter Empowerment Act (MOVE Act).
3. **If possible, please list the Montana Code Annotated (MCA) sections that would need to be amended.**
Title 13.
4. **If the proposed change requires additional funding, what funding sources do you propose?**
N/A
5. **Has similar legislation been requested in the past, been considered in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**
Similar clean-up legislation has been requested and passed in most previous legislative sessions.
6. **If you are a holdover senator or a legislative candidate running unopposed, do you want the Legislative Services Division staff to consider this a bill draft request?**
N/A

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1. **What is the problem or issue?**
It is important to encourage lifelong voter participation. It can be difficult to recruit election judges.
2. **What do you want the legislation to do?**
Allow election judges who are age 16 or 17.
3. **If possible, please list the Montana Code Annotated (MCA) sections that would need to be amended.**
Amend § 13-4-102, MCA.
4. **If the proposed change requires additional funding, what funding sources do you propose?**
N/A
5. **Has similar legislation been requested in the past, been considered in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.**
Similar legislation was introduced in HB30 last session and passed the House. Some other states have similar legislation.
6. **If you are a holdover senator or a legislative candidate running unopposed, do you want the Legislative Services Division staff to consider this a bill draft request?**
N/A

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1. What is the problem or issue?

Vacancies in the U.S. Senate are not filled in the same manner as vacancies in the U.S. House.

2. What do you want the legislation to do?

Allow a special election after an interim appointment to fill vacancies in the U.S. Senate.

3. If possible, please list the Montana Code Annotated (MCA) sections that would need to be amended.

Amend § 13-25-202, MCA.

4. If the proposed change requires additional funding, what funding sources do you propose?

Any additional funding would be negligible as the special election would take place during the next election cycle.

5. Has similar legislation been requested in the past, been considered in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

No similar legislation has been requested in the past. Some states have similar legislation with varying procedures.

6. If you are a holdover senator or a legislative candidate running unopposed, do you want the Legislative Services Division staff to consider this a bill draft request?